CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
767-2370



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Filed: 8/30/01 49th Day: 10/18/01 180th Day: 2/26/02 Staff: DS-SD Staff Report: 10/16/01 Hearing Date: 11/13-17/01

REGULAR CALENDAR STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-143

Applicant: Equilon Enterprises, L.L.C.

Agent: Fred Fiedler & Associates.

Project Description: Demolition of an existing service station and construction of a new

2,718 sq. ft. convenience store building, a 918 sq. ft. automated drivethrough car wash, five fuel dispensers, and the replacement of the existing underground fuel storage tanks with new double wall fiberglass storage

tanks, on a 27,408 sq. ft. site.

Lot Area 27,408 sq. ft.

Building Coverage 4,446 sq. ft. (16%) Pavement Coverage 19,086 sq. ft. (70%)

Landscape Coverage 3,876 sq. ft. (14%)

Parking Spaces

26

Zoning Commercial
Plan Designation Commercial
Ut aby fin grade 22 feet

Ht abv fin grade 22 feet

Site:

706 Lomas Santa Fe, Solana Beach, San Diego County.

APN 263-420-02-00

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project subject to special conditions requiring the applicant to submit a BMP program with site-specific requirements, a grading plan identifying the location of the disposal site of graded material, a sign plan that restricts the heights of freestanding monument signs to eight feet, and that the applicant submit to the Executive Director copies of all other required state or federal discretionary permits for the removal and installation of the Underground Storage Tanks. Issues of possible concern include drainage and run-off, as well as fuel tank removal and replacement.

Substantive File Documents: County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance; City of Solana Beach Director's Use Permit 17-00-17; City Council of Solana Beach Resolution 20001-19; http://www.epa.gov (website for Environmental Protection Agency); CDP F6173; CDP #6-92-219; CDP #6-00-17.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: I move that the Commission approve Coastal

Development Permit No. 6-01-143 pursuant to the staff

recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

- 1. <u>Best Management Practices (BMP's)</u>. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, final drainage and runoff control plans approved by the City of Solana Beach, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall comply with the following requirements:
 - A. <u>General Site Requirements:</u> The drainage shall be designed to collect and filter run-off from the on-site improvements. In addition, the plan shall be in substantial conformance with the following:
 - (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
 - (b) Runoff shall be conveyed off site in a non-erosive manner.
 - (c) Drainage from all roofs, parking areas, driveway area, and other impervious surfaces on the building pad shall be directed through vegetative or other media filter devices effective at removing and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates.
 - (d) Opportunities for directing runoff into pervious areas on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips, shall be maximized where geotechnical concerns would not otherwise prohibit such use.
 - (e) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. The plan shall include an identification of the party or entity(ies) responsible for maintaining the various drainage systems over its lifetime and shall include written acceptance by the responsible entity(ies). Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to and during each rainy season, including conducting an annual inspection no later than September 30th of each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or

restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

- (f) Sweeping of all impervious surfaces, including parking lots, fueling areas, and walkways shall be conducted regularly on a monthly basis.
- B. <u>Car Wash Requirements</u>: The drainage shall be designed to collect and filter run-off from the on-site improvements in accordance with paragraph (A). In addition, the plan shall be in substantial conformance with the following:
 - (a) All discharges and runoff from the proposed car wash operation shall be directed to the sewer system or to holding tanks.
 - (b) As much waste water as feasible shall be captured and recycled using filters, oil/water separators with recyclable absorbents that absorb hydrocarbons but do not react with water, or reclamation systems.
 - (c) Equipment, tanks and chemical containers shall be inspected for leaks regularly on a monthly basis.
 - (d) Biodegradable soaps and chemicals shall be used instead of solvent-based solutions.
 - (e) Treatment and application equipment shall be calibrated regularly on a monthly basis.
 - (f) Gutters with downspouts shall be installed below the roof of the car wash structure and all runoff shall be directed to the car wash water recycling system.
 - C. <u>Fueling Area Requirements</u>. Fueling area shall be designed to prevent run-on of stormwater, and to prevent runoff of spills. In addition to the specifications above in paragraph (A), the plan shall be in substantial conformance with the following requirements:
 - (a) Fuel dispensing areas shall be paved with Portland cement concrete (or equivalent smooth impervious surface). Asphalt concrete shall not be used.
 - (b) The fuel dispensing area shall have a 2% to 4% slope to prevent ponding, and shall be separated from the rest of the site by a grade break that prevents run-on of stormwater.

- (c) The concrete fuel dispensing area shall extend 6.5 feet (2.0 meters) or more from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot (0.3 meter), whichever is less.
- (d) If dead-end sump is not used to collect spills, the applicant shall install an oil/water separator.
- (e) In order to prevent fuel spills and leaks, which can pollute stormwater, the applicant shall:
 - 1. Install vapor recovery nozzles to help control drips as well as air pollution.
 - 2. Install signage discouraging "topping-off" of fuel tanks.
 - 3. Use secondary containment when transferring fuel from the tank truck to the fuel tank.
 - 4. Use absorbent materials on small spills and general cleaning rather than hosing down the area. Remove the absorbent materials promptly.
 - 5. Carry out all federal and State requirements regarding underground storage tanks.
 - 6. Not use mobile fueling of mobile industrial equipment around the facility. The applicant shall transport the equipment to the designated fueling areas.
 - 7. Keep the Spill Prevention Control and Countermeasures (SPCC) Plan up to date.
 - 8. Train employees in proper fueling and cleanup procedures
 - 9. Keep ample supplies of clean-up materials on site and readily available.

The permittee shall undertake the development in accordance with the approved program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

- 2. <u>Disposal of Graded Spoils</u>. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.
- 3. <u>Sign Program</u>. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a comprehensive sign program, with evidence that the plan has been approved by the City of Solana Beach, documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No tall, freestanding pole or roof signs shall be allowed.

The permittee shall undertake the development in accordance with the approved program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. <u>Underground Storage Tank (UST) Permit</u>. Prior to the commencement of construction, the applicant shall submit copies of all other required state or federal discretionary permits for the removal and installation of the Underground Storage Tanks herein approved. Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director. Changes to the project shall require a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the demolition of an existing service station/convenience store and its replacement with a new enlarged facility. The new facility will have a gross floor area of 2,178 sq. ft. of enclosed retail space, a 918 sq. ft. automated drive-through car wash, and 1,350 sq. ft. of canopy area where gas pumps will be located. The proposed structure will be 22 feet high, maximum. A total of 26 parking spaces will be provided. Also included in the proposal is the replacement of 3 subterranean fuel storage tanks with 3 new double wall fiberglass storage tanks.

The proposed project is to include about 400 cubic yards of cut in order to prepare the site for development. No disposal site for the export materials has been identified. Therefore Special Condition #2 requires the applicant to identify the export site and, if within the Coastal Zone, apply for a new coastal development permit for its placement.

The area of the proposed demolition and reconstruction is a .62 acre site in the City of Solana Beach. The project site is located west of I-5, northeast of the intersections of Lomas Santa Fe Dr. and Solana Hills Drive. The site is both planned and zoned for general commercial uses in the City of Solana Beach's draft land use plan and zoning ordinance as well as in the County of San Diego Local Coastal Program (LCP). The site is not subject to any of the special overlay area designations in the County LCP, and Chapter 3 policies of the Coastal Act are the standard of review.

On October 24, 1977, the Commission approved the construction of the existing service station, fueling dispensers, and signage on the site, with conditions regarding landscaping and visual impacts (CDP F6173).

The properties surrounding the site on all sides are developed with commercial uses, and another fueling station, with car wash, is situated directly across Lomas Santa Fe Drive to the south (CDP #6-00-17). A multi-story office building complex borders the site to the northeast, with the west portion of the property bordering Solana Hills Drive. An elevated portion of Interstate 5 is within view of the site.

2. Runoff/Water Quality. Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Runoff from service stations often contains oil and other hydrocarbons. If left unfiltered or untreated, these discharges cause problems to down stream coastal resources, and the regulation and treatment of this run-off is necessary to ensure the biological productivity and quality of coastal waters. Three features of the subject development have the potential to adversely affect off-site water quality: (1) the proposed car wash, (2) the refueling areas, and (3) the parking lot drainage. Because of the increased risk of discharged pollutants from the project proposal, Special Condition #1 provides that Best Management Practices (BMP's) be utilized that are designed to control the volume, velocity, and pollutant load of drainage from the site. This condition allows for the safe processing of waters used for the proposed car wash, as well as run-off from the fueling dispenser areas and parking lots. Special Condition #1 also provides for the regular maintenance of the drainage systems, monthly sweeping of all impervious surfaces on the site, and the specification of standards to be utilized in the fueling area (vapor recovery nozzles, absorbent spill materials, signage, etc.) so that the fewest impacts to environmental resources is ensured.

Furthermore, car wash activities raise concerns related to water quality because the wash and rinse water generated from washing cars usually contains pollutants such as soap, oils and grease, suspended solids, heavy metals, salt, wax, and toxins. However, using commercial car wash facilities to clean vehicles is itself considered a water quality Best Management Practice (BMP), since the drains in commercial car washes are typically connected to the sanitary sewer system, so rinse water does not wash into storm drains and, thereby, to the beaches or local waters. Most commercial car washes also conserve water by recycling rinse water several times.

In this case, the proposed project involves the construction of a single bay automatic self-service car wash consisting of an approximately 918 sq. ft. structure which will utilize a 2,000 gallon, multi-chamber water recycling/pollutant separator system. The floor of the facility slopes toward a center drain such that all water produced by the car wash is collected for recycling and treatment. Water use is minimized by reuse during the heavy rinse cycle and pollutants such as oil, grease, suspended solids, heavy metals and other toxic material are filtered and collected within the chamber tanks. These chambers are periodically cleaned and the contaminants are disposed of at certified materials disposal sites. All water that is not reused enters into the sewer system. In this way, no water from the car wash facility will enter into the storm drain system and any polluted water will be treated at a sewage treatment plant prior to discharge into coastal waters.

The submitted drainage plans do not identify gutters on the side of roof nor do they indicate where any collected roof runoff from the car wash will be directed. In addition, although the applicant has generally described the proposed water treatment system, a detailed Best Management Practices (BMP's) program for the proposed development was not submitted with the subject application. Therefore, Special Condition #1 (B) requires the applicant to submit a BMP program which provides that, at a minimum, the structure will be guttered and all roof runoff directed either into landscaping or the proposed car wash water recycling system and all discharges from the car wash and fueling area operations be directed to the sewer system or to holding tanks. Additionally, the condition requires that water will be recycled as much as possible, only biodegradable soaps and chemicals will be used, polluted contaminants will be periodically removed and disposed of at appropriate disposal sites, and the equipment will be inspected and maintained on a regular basis.

The proposed fueling area has the potential to create hazardous and polluted run-off caused by fuel and oil spills, as well as other fluid leaks, such as radiator fluid and engine coolant. To ensure that polluted run-off is not discharged into local coastal waters, Special Condition #1 (C) requires the applicant to submit a BMP program which provides for the proper construction and maintenance of the fueling area, clean-up of potential hazardous material spills, and training for service station employees in proper fueling and cleanup procedures. This condition allows for the safe and necessary precautions to ensure the health of the surrounding environment so that the project may be found consistent with section 30231 of the Coastal Act.

The project proposal also includes the removal and replacement of three underground fuel storage tanks. Improper Underground Storage Tank (UST) installation is a

significant cause of fiberglass-reinforced plastic (FRP) and steel UST failures, particularly piping failures. Installation includes excavation, tank system siting, burial depth, tank system assembly, backfilling around the tank system, and surface grading.

Many mistakes can be made during UST installation. For example, mishandling of the tank during installation can cause structural failure of FRP tanks or damage to steel tank coatings and cathodic protection. Improper layout of piping runs, incomplete tightening of joints, inadequate cover pad construction, and construction accidents can lead to failure of delivery piping. These failures may result in contaminated groundwater that is eventually discharged into coastal waters.

Special Condition #4 requires that the applicant submit copies to the Executive Director of all other required state or federal discretionary permits for the removal and installation of the UST's prior to the completion of construction. The condition also requires that if the said permits result in substantial changes to the proposed development, the applicant must apply for an amendment to this coastal development permit.

In summary, the proposed commercial development has been conditioned to assure that BMP's are incorporated into the development proposal, and with these conditions, the Commission is assured that all runoff and drainage generated by the proposed development is treated to the maximum extent feasible. Therefore, the proposed development will not result in adverse impacts to the biological productivity or quality of coastal waters, and the project is found consistent with Section 30231.

3. <u>Visual Resources</u>. Section 30251 of the Coastal Act addresses protection of visual resources within the coastal zone and states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The proposed development site is located approximately one mile east of Fletcher Cove on Lomas Santa Fe Drive just west of Interstate 5 in the City of Solana Beach. Although Lomas Santa Fe Drive is identified in the County of San Diego Local Coastal Program (LCP) as a major east/west coastal access corridor, the development site is not visible from, and will not affect public views of, the shoreline or any public viewsheds. The subject site is currently developed with a gas station, mini-mart, service area and perimeter landscaping. The proposed development will involve the demolition of all existing buildings and the construction of new facilities. The car wash will be located on the northeast portion of the lot away from the street frontage. The proposed gas station/mini-mart structure will also be located on the back northeast section of the site, between the proposed car wash and Lomas Santa Fe Drive, such that most general views of the car wash from motorists along Lomas Santa Fe Drive will be obstructed.

The project proposal includes approximately 3,876 sq. ft. of perimeter landscaping that will help soften the visual impacts from both Lomas Santa Fe and Solana Hills Drive. Though there are no views blocked by the proposed structures, the project will be visible from these avenues. With the proposed landscaping, however, visual impacts from the surrounding area will be minimized.

The submitted application did not include a sign program for the proposed development; however, it is likely that the new development will require new signage. In past actions on commercial development, the Commission has regulated the height and amount of signs because of the potential for adverse impacts on the scenic quality of the area and inconsistency with Section 30251 of the Act. For this reason, strict limits on the size and height of commercial signs were included within the County of San Diego LCP. To assure that all proposed signage is consistent with Chapter 3 policies, Special Condition #3 has been proposed. The condition requires the submittal of a sign program for the proposed building documenting that only monument signs not exceeding eight feet in height, or facade signs, are proposed. As conditioned, potential visual impacts associated with the project development will be reduced to the maximum extent feasible. Therefore, as conditioned, the proposed project can be found consistent with the visual resource protection policies of the Coastal Act.

4. Public Access. Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by...

(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation

The proposed development will occur on the north side of Lomas Santa Fe Drive, a major east/west coastal access corridor within the City of Solana Beach. As such, any development adjacent to this corridor could potentially affect access to the shoreline. However, the closest beach access from the subject site is located approximately one mile west at Fletcher Cove. In addition, access to and from the proposed car wash will not impede traffic along Lomas Santa Fe Drive since access into the car wash will occur through the existing service station lot and exiting onto Solana Hills Drive; not directly back onto Lomas Santa Fe. The City's engineer has reviewed the proposed development and concluded that the project will not cause adverse impacts to the surrounding City circulation system.

In terms of parking, the County of San Diego LCP requires 5 parking spaces for a service station/mini mart, with an additional 2 parking spaces for a car wash. The City Zoning requirements also require five spaces for a service station, but require only one additional parking space for a car wash. In this case, the applicant is providing 26 total parking spaces for the subject lot which exceeds both the City and the County LCP requirements. Therefore, as proposed, the development will not result in adverse impacts on public access, consistent with Section 30252 of the Coastal Act.

5. <u>Local Coastal Planning</u>. Section 30604(a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site was previously in the County of San Diego Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. While the Commission certified the County LCP, the County never accepted the Commission's modifications and therefore the LCP was never effectively certified and thus Chapter 3 policies of the Coastal Act are the standard of review. However, the Commission will continue to utilize the San Diego County LCP documents for guidance in its review of development proposals in the City of Solana Beach until such time as the Commission certifies an LCP for the City.

The Subject site was designated as General Commercial in the County of San Diego LCP. The City of Solana Beach has zoned and designated this area for commercial uses in their draft Land Use Plan and Zoning Ordinance, and the proposed car wash and service station is consistent with these designations. As discussed above, the proposed project can be found consistent with the relevant Chapter 3 policies regarding the protection of water quality, public access, and visual resources. No adverse impacts to coastal resources are anticipated. The site was not subject to any of the special area overlays established in the County LCP. Therefore, the Commission finds the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

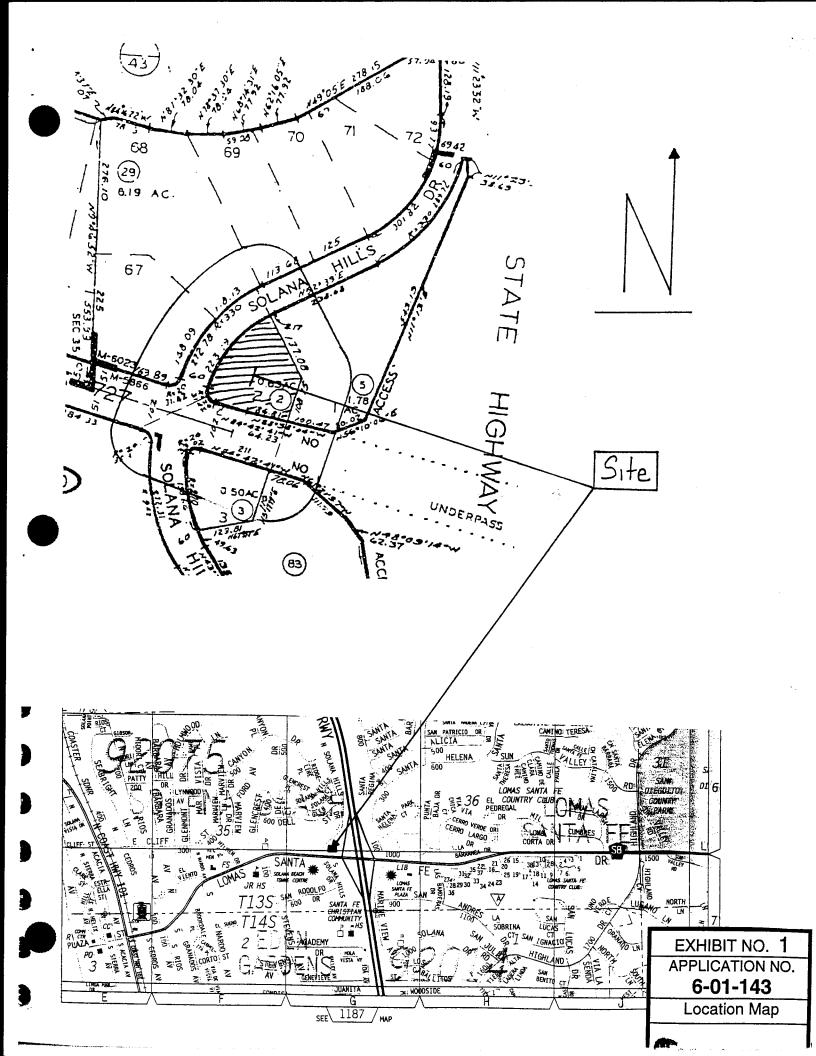
6. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect that the activity may have on the environment.

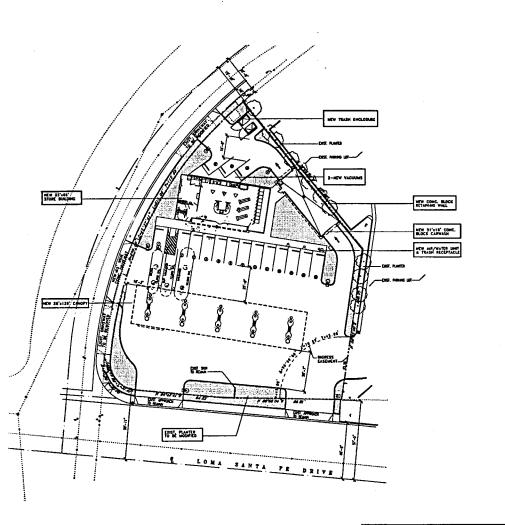
The proposed project has been conditioned in order to be consistent with the visual resources, public access, and water quality policies of the Coastal Act. Mitigation measures, including conditions addressing water quality and signage will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

- 1. <u>Notice of Receipt and Acknowledgment</u>. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. <u>Expiration</u>. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. <u>Terms and Conditions Run with the Land</u>. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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LEGAL PERSENTION

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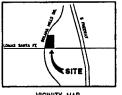
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APPLICATION NO.
6-01-143
Site Plan

